

**REMARKS**

The following remarks are responsive to the points raised in the December 1, 2004 final Office Action. Claims 1-24 are pending. Upon entry of the above amendments, Claims 1, 9, and 17 will have been amended. No new matter has been introduced. No new issues have been raised that require further search or consideration. Reconsideration is respectfully requested.

**Response to the Rejection Under 35 § U.S.C. 102(b)**

Claims 1, 9, and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,170,069 to Sakai. Applicant traverses this rejection.

Independent Claim 1 recites an image pickup apparatus including, inter alia, a white balance control unit having a first information acquisition operation for acquiring information about white balance before a second actuation operation for executing an image pickup operation and acquiring information about white balance:

“wherein said white balance control unit controls white balance of an image picked up in accordance with said second actuation operation, on the basis of the information about white balance obtained in said first and second information acquisition operations.”

Applicant respectfully submits that Sakai does not teach or suggest an image pickup apparatus as recited in Claim 1 and, in particular, wherein a white balance control unit controls white balance of an image picked up in accordance with a second actuation operation, on the basis of the information about white balance obtained in a first and the second information acquisition operations of the white balance control unit. The limitations of Claims 9 and 17 are consistent with the above limitation discussed above

with respect to Claim 1. As such, the comments set forth below with respect to Claim 1 are likewise applicable to Claims 9 and 17.

The Examiner, in the rejection of Claim 1 at Item 3, urges that Sakai anticipates all of the limitations recited in Claim 1 including the above-identified recitation of Claim 1. The Examiner makes reference to “col. 14 lines 21-37, figure 10B, steps S60-62” of Sakai as support for his position and points raised. Sakai, in Column 14, Lines 21-37, states that:

“The white balance routine is executed at step S581. This routine is identical with that described with reference to steps S541 to 546 in FIG. 5D.

It takes about 60 msec for the operation starting from the mirror set-up and stopping-down at steps S57 and 58 to the end thereof. Thus, the white balance operation can be sufficiently executed within this time.

After a short time lapse from the end of the white balance routine at step S581, if it is detected by sensors (not shown) that the mirror set-up and stopping-down have been completed, the flow advances to step S60 whereat the shutter is opened by the shutter driving apparatus 14. After a lapse of the shutter time  $T_v$ , the shutter is closed at step S61. The output of the image pickup element is recorded in the disc at step S62 and thereafter, the head 29 is shifted to the next empty track of the disc at step S621.”

No where in the above words of Sakai is it seen where Sakai teaches or suggests an image pickup apparatus with a white balance control unit that controls white balance of an image picked up in accordance with a second actuation operation, on the basis of the information about white balance obtained in a first and the second information acquisition operations of the white balance control unit. As such, the subject matter of Claims 1, 9 and 17 are distinguished over the disclosure of Sakai.

Accordingly, the rejection under 35 U.S.C. § 102(b) over Sakai should be withdrawn.

**Response to the Rejections Under 35 § U.S.C. 103(a)**

Claims 2, 4, 10, 12, 18, and 20 have been rejected under 35 U.S.C. § 103(a) as being obvious over Sakai in view of US Patent 4,584,598 to Kutaragi. Claims 3, 11, and 19 have been rejected under 35 U.S.C. § 103(a) as being obvious over Sakai in view of Kutaragi and further in view of US Patent 6,411,331 to Sansom-Wai et al. (Sansom-Wai). Claims 5-8, 13-16, and 21-24 have been rejected under 35 U.S.C. § 103(a) as being obvious over Sakai in view of US Patent 5,617,139 to Okino. Applicant respectfully traverses these rejections and submits that Sakai, Kutaragi, Sansom-Wai, and/or Okino, alone or in combination, do not teach, suggest, or render obvious, the image pickup apparatus, the image pickup method, and the recording medium, as recited in dependent Claims 2-5, 10-13, or 18-21.

For at least the reasons discussed above, dependent Claims 2-5, 10-13, and 18-21 are distinguished over Sakai for at least the same reasons as independent Claims 1, 9, and 17. Applicant, nonetheless, respectfully submits that neither of the secondary references of Kutaragi, Sansom-Wai, or Okino, either alone or in combination, include any teaching, suggestion, or motivation that would teach, suggest, or motivate, one of ordinary skill in the art to modify the image pickup apparatus of Sakai, as suggested by the Examiner, so that a white balance control unit controls white balance of an image picked up in accordance with a second actuation operation, on the basis of the information about white balance obtained in a first and the second information acquisition operations of the white

balance control unit. As such, the subject matter recited in dependent Claims 2-5, 10-13, and 18-21 are distinguished over the prior art teachings of Sakai, Kutaragi, Sansom-Wai, or Okino, either alone or in combination.

Accordingly, the rejections under 35 U.S.C. § 103(a) over (1) Sakai in view of Kutaragi, (2) Sakai in view of Kutaragi in further view of Sansom-Wai, and (3) Sakai in view of Okino in view of Kutaragi should be withdrawn.

### **CONCLUSION**

Applicants respectfully submit that Claims 1-24 are in condition for allowance and a notice to that effect is earnestly solicited.

**AUTHORIZATIONS:**

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4599.

Respectfully submitted,  
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